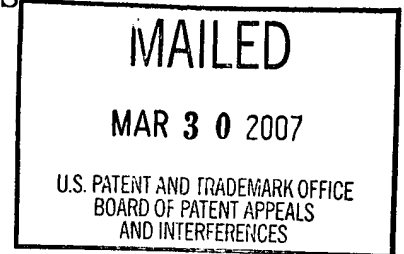


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JERRY B. DECIME

Application No. 09/746,365



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 8, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On August 12, 2005, the Examiner entered a Final rejection of claims 1-8, 10-14, 16-18, and 20-25. On November 18, 2005, Appellant filed a Notice of Appeal. On May 9, 2006, Appellant filed a Revised Appeal Brief Under 37 C.F.R. § 41.37. In response to Appellant's Brief, the Examiner mailed an Examiner's Answer on July 25, 2006.

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On pages 2-3, section (6) entitled “Grounds of Rejection to be Reviewed on Appeal” of the Answer, the Examiner states the following:

The appellant’s statement of the grounds of rejection to be reviewed on appeal is correct, however, the grouping of the claims is change [sic, has changed] to correct the inconsistent [sic, inconsistencies] of the grounds of rejection. It is clear from the office action mailed on 8/12/05, the dependency of claims 11-12, 16-17, 20-21 and 23-25 should have been grouped with the rejection of Newsbytes/WorldTrade/Newswire in view of Mowbray and further in view of Ayyadurai. It is apparent that this informality is a typographical error.

The Examiner then lists the correct grounds of rejection. However, a review of the Answer reveals that in listing the new, correct grounds of rejection on appeal, the Examiner has omitted the reference of “Once Service Center, Platform to handle Internet Customer Service, Business Wire, November 1999” (hereinafter “BusinessWire”). It is not clear from the record whether the Examiner has dropped this reference from his rejections of claims on appeal, or whether the Examiner has inadvertently omitted this reference. In addition, the Examiner lists “BusinessWire” in the Evidence Relied Upon section of the Examiner’s Answer. Clarification is required.

Accordingly, it is

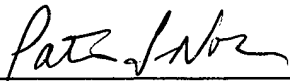
ORDERED that the application is returned to the Examiner for resolution of the following issues:

(1) to clarify the rejection of claims on appeal with respect to the BusinessWire reference, and

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(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeal Administrator
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